

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|---------------------------|
| James L. Padgett, Jr. |) | C/A No. 5:10-1713-DCN-KDW |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| Orangeburg County Sheriff's Dept; |) | |
| Sheriff Leroy Ravenell; Lt. Stokes; |) | |
| Director Willie Bamberg; Warden McKie; |) | |
| Robert Peele; Don West, Owner- |) | |
| Operator of West Towing Company; |) | |
| Unknown Defendant, at Orangeburg |) | |
| County Detention Center, |) | |
| |) | |
| Defendants. | | |

Plaintiff, proceeding *pro se* and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants Warden McKie and Robert Peele filed a motion for summary judgment on December 20, 2011. [Entry #136]. As Plaintiff is proceeding *pro se*, the court entered an order on December 21, 2011, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #137]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this

case and to file a response to Defendants' motion for summary judgment by February 21, 2012. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

February 3, 2012
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge